



State of Vermont
Agency of Human Services
208 Hurricane Lane, Suite 103
Williston, VT 05495

Global Commitment Register

April 8, 2016

GCR 16-004
FINAL POLICY

Caps for Attendant Services Program and Choices for Care

Policy Summary:

The Agency of Human Services (AHS) is increasing the maximum allowable rates or 'caps' for the Attendant Services Program (ASP) and Choices for Care (CFC). This change is being made to align with recent changes in Department of Labor (DOL) rules and recent court action. The caps were previously increased effective October 11, 2015 (see [final GCR 15-002](#)), and they are being increased again to \$8.75 per unit. This increase will allow for overtime payments for self-directed care provided under ASP and CFC.

Effective Date:

April 10, 2016

Authority/Legal Basis:

1115 Global Commitment to Health waiver, available [here](#).
Medicaid State Plan, available [here](#).

Population Affected:

Approximately 1,100 individuals receiving ASP and CFC services, and their providers of self-directed care, are affected by this change.

Fiscal Impact:

No fiscal impact. Variations in individual service costs and utilization are managed within the existing ASP and CFC budgets.

Comment Period:

No public comment period as change is pursuant to a court order.

Additional information:

DOL FLSA Rule: *Application of the Fair Labor Standards Act to Domestic Service*, 78 FR 60454 (October 1, 2013), available [here](#).

Court Decision: *Home Care Association of America, et al. v. Weil, et al.*, No. 15-5018, (D.C. Cir. August 21, 2015), available [here](#).

